

Briefing Paper for Administrator McCarthy

Title: San Francisco Bay/Sacramento-San Joaquin Delta Estuary (Bay Delta)

Status: EPA is facing three major issues in 2014 pertaining to the Bay Delta ecosystem.

- **Bay Delta Conservation Plan (BDCP):** We are preparing an adverse NEPA rating for the DEIS submitted by NMFS on behalf of the California Department of Water Resources (DWR) and two other federal co-lead agencies - FWS and USBR (EPA serves as a cooperating agency). The project calls for: (1) building twin tunnels 35 miles long connecting the Sacramento River directly to existing pumping facilities in the South Delta, and thereby avoid the problems that come with moving water from north to south across the Delta and the complex maze of fragile levees and subsided islands (e.g., poor water quality, fish entrainment, disruption of water supplies from regulatory actions or environmental catastrophe); and (2) restoring ~65,000 acres of wetlands on the periphery of the Delta. EPA and the co-lead agencies have raised detailed concerns about the potential adverse effects of the project, and the sufficiency of technical information.
- **Bay Delta Water Quality Control Plan (Water Quality Plan):** We will soon need to approve or disapprove the water quality standards (WQS) proposed by the State Water Board governing the lower San Joaquin River and South Delta. To date, the State Water Board has not addressed the detailed concerns we raised in March 2013 on an earlier draft of the WQS, and a revised version of the WQS could be issued as soon as March 2014. Unless our concerns are addressed, we fear that the proposed WQS could lead to permanent degradation of designated uses. We continue to work in good faith with our State counterparts in an effort to prepare an approvable Water Quality Plan, and we are initiating talks with OST and OW to coordinate an action regarding approval/disapproval.
- **2014 Drought – State of Emergency:** On January 29th, DWR and USBR filed with SWRCB a Notice of a Temporary Urgency Change Petition (Petition) that pertains to the SWP and the federal Central Valley Project (CVP) and would relax February Delta Outflow and San Joaquin River Flow objectives for fear that meeting these flow objectives would require draining the reservoirs that serve the SWP and CVP. On January 31st, SWRCB approved this Petition consistent with the Governor's Drought Proclamation, and scheduled a public hearing on FEB 17th, and a deadline for appealing the Petition on MAR 3rd. Region 9 is working with FEMA and the State Office of Emergency Services (OES) to identify and assist the small community water systems that are at greatest risk of running out of water.

Background:

- The Delta supplies drinking water to 27 million people and 3 million acres of farmland.
- Allocations of developed water in CA: 62% agriculture, 16% M&I, 22% environment.
- Earthquakes, floods, and sea level rise all pose a risk to the 1,100 mile network of levees.
- Supplies of freshwater could be disrupted for years if the levees fail.
- In 2012, EPA Region 9 issued a 7-point Bay Delta Action Plan to protect water quality and aquatic life.

Key Points:

- EPA is leveraging its unique authorities under the CWA and NEPA and its technical expertise to advance the protection of water quality and wetlands, the recovery of fisheries, and the resiliency of communities and ecosystems to drought, floods, fires, and climate change.
- We are working closely with the agencies who are proposing the BDCP and preparing the Bay Delta Water Quality Control Plan to make these efforts successful, but we also reserve our right to exercise our authorities to protect public health and the environment.

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